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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,477	02/11/2002	James Lee Combs	2001-0553.01	6312
7590 TAYLOR & AUST, P.C. 12029 E. Washington Street Indianapolis, IN 46229			03/08/2007 EXAMINER NGUYEN, DUSTIN	
			ART UNIT 2154	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/074,477	Applicant(s) COMBS ET AL.	
	Examiner Dustin Nguyen	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9-13,18,19,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9-13,18,19,32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 9-13, 18, 19, 32 and 33 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/13/2007 has been entered.

Claim Objections

3. Claims 1, 9-13, 18, 19, 32 and 33 objected to because of the following informalities:
 - I. As per claim 1, please correct "said network adapter" to "said microprocessorless network adapter".
 - II. As per claims 9-12, 32, please correct "said adapter" to "said microprocessorless network adapter".
 - III. As per claims 18 and 33, please correct "said adapter" to "said network adapter"
 - IV. As per claims 13 and 14, please correct "said enumeration" to "said USB enumeration".

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Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 9-13, 18, 19, 32 and 33 are rejected under 35 U.S.C. 101 because claim(s) 1, 9-13, 18, 19, 32 and 33 are directed to network adapter of computer network. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 9, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. [US Patent No 5,764,693], in view of Laity et al. [US Patent No 6,697,892].

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7. As per claim 1, Taylor discloses the invention as claimed including a computer network [i.e. wireless network communication] [Figure 1; and col 1, lines 22-50], comprising:

at least one host computer [i.e. host system] [200, Figure 3; Abstract; and col 2, lines 7-10];

at least one peripheral device [i.e. remote data processing or communication device] [col 1, lines 46-50; and col 2, lines 10-12]; and

a microprocessorless network adapter interconnecting said at least one host computer and said at least one peripheral device [i.e. radio modem without on-board processor (the microprocessor-less form)] [Figure 3; col 2, lines 39-47; and 7, lines 7-16].

Taylor does not specifically disclose

a USB hub interconnecting said at least one peripheral device and said network adapter.

Laity discloses

a USB hub interconnecting said at least one peripheral device and said network adapter [i.e. modular port expansions system] [Figure 1; Abstract; and col 5, lines 16-34].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Taylor and Laity because Laity's teaching of port expansions system would provide a high degree of flexibility and efficiency in the connection of the host system to a wide selection of peripheral devices and function [Laity, col 1, lines 10-17].

8. As per claim 9, it is rejected for similar reasons as stated above in claim 1. Furthermore, Laity discloses wherein said adapter is configured to manage power on said at least one peripheral device [i.e. power to the peripheral device modules may be supplied by the host

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system via a USB] [Abstract; col 3, lines 21-32; and col 9, lines 54-64]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Taylor and Laity because the teaching of Laity would provide a high degree of flexibility and efficiency in the connection of the host system to a wide selection of peripheral devices and function [Laity, col 1, lines 10-17].

9. As per claim 32, it is rejected for similar reasons as stated above in claim 9.

10. As per claim 33, it is rejected for similar reasons as stated above in claim 9. Furthermore, Taylor discloses the invention as claimed including a network adapter [i.e. radio modem] [Figure 3; and col 1, lines 53-57] comprising:

at least one application specific integrated circuit; and support electronics [i.e. transmission/reception, modulation/demodulation circuits] [Figures 1 and 2; and col 6, lines 20-col 7, lines 45],

wherein said adapter is microprocessorless [i.e. radio modem without on-board processor (the microprocessor-less form)] [Figure 3; col 2, lines 39-47; and 7, lines 7-16].

11. Claims 10-13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. [US Patent No 5,764,693], in view of Hirata et al. [US Patent No 6,727,952].

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12. As per claim 10, Taylor disclose the invention as claimed including a computer network [i.e. wireless network communication] [Figure 1; and col 1, lines 22-50], comprising:

at least one host computer [i.e. host system] [200, Figure 3; Abstract; and col 2, lines 7-10];

at least one peripheral device [i.e. remote data processing or communication device] [col 1, lines 46-50; and col 2, lines 10-12]; and

a microprocessorless network adapter interconnecting said at least one host computer and said at least one peripheral device [i.e. radio modem without on-board processor (the microprocessor-less form)] [Figure 3; col 2, lines 39-47; and 7, lines 7-16].

Taylor does not specifically disclose

wherein said adapter is configured to send said at least one peripheral device at least one command to go into a low-power sleep mode until said adapter detects inbound data bound for said at least one peripheral device.

Hirata discloses

wherein said adapter is configured to send said at least one peripheral device at least one command to go into a low-power sleep mode until said adapter detects inbound data bound for said at least one peripheral device [i.e. sleep mode or energy saving mode] [col 1, lines 21-26; and col 2, lines 8-11].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Taylor and Hirata because the teaching of Hirata would allow to minimize battery power consumption for energy saving [Hirata, col 1, lines 19-26].

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13. As per claim 11, it is rejected for similar reasons as stated above in claim 10.

Furthermore, Hirata discloses wherein said adapter is configured to at least one of send a wake-up command to said at least one peripheral device and verify an active status of said at least one peripheral device before accepting the inbound data [i.e. connect the digital camera to host computer] [col 4, lines 20-39]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Taylor and Hirata because the teaching of Hirata would provide a hot plug function because the device can be automatically brought out of this mode by the connection of the information processing device [Hirata, col 3, lines 27-30].

14. As per claim 12, Taylor disclose the invention as claimed including a computer network [i.e. wireless network communication] [Figure 1; and col 1, lines 22-50], comprising:

at least one host computer [i.e. host system] [200, Figure 3; Abstract; and col 2, lines 7-10];

at least one peripheral device [i.e. remote data processing or communication device] [col 1, lines 46-50; and col 2, lines 10-12]; and

a microprocessorless network adapter interconnecting said at least one host computer and said at least one peripheral device [i.e. radio modem without on-board processor (the microprocessor-less form)] [Figure 3; col 2, lines 39-47; and 7, lines 7-16].

Taylor does not specifically disclose

wherein said adapter is configured to perform automatic USB enumeration.

Hirata discloses

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wherein said adapter is configured to perform automatic USB enumeration [i.e. when connected to the digital camera by the USB connector, the host computer recognizes the connection by detecting]. [col 2, lines 3-7; and col 3, lines 16-20].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Taylor and Hirata because the teaching of Hirata would provide a hot plug function because the device can be automatically brought out of this mode by the connection of the information processing device [Hirata, col 3, lines 27-30].

15. As per claim 13, Hirata discloses enumeration is performed without software [i.e. detecting a potential different between a pair of positive and negative data lines] [col 4, lines 9-14].

16. As per claim 18, it is rejected for similar reasons as stated above in claim 12. Furthermore, Taylor discloses the invention as claimed including a network adapter [i.e. radio modem] [Figure 3; and col 1, lines 53-57] comprising:

at least one application specific integrated circuit; and support electronics [i.e. transmission/reception, modulation/demodulation circuits] [Figures 1 and 2; and col 6, lines 20-col 7, lines 45],

wherein said adapter is microprocessorless [i.e. radio modem without on-board processor (the microprocessor-less form)] [Figure 3; col 2, lines 39-47; and 7, lines 7-16].

17. As per claim 19, it is rejected for similar reasons as stated above in claim 13.

18. Applicant's arguments with respect to claims 1, 9-13, 18, 19, 32 and 33 have been considered but are moot in view of the new ground(s) of rejection.

19. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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A handwritten signature in black ink, appearing to read 'Dustin', with a long horizontal stroke extending to the right.